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09/950,025	09/12/2001	Shawn Wiederin	COS-01-007	1705

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MCI, INC
TECHNOLOGY LAW DEPARTMENT
1133 19TH STREET NW, 10TH FLOOR
WASHINGTON, DC 20036

EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/950,025

Applicant(s)

WIEDERIN, SHAWN

Examiner

Mary Cheung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6, 8, 9, 12-16, 18, 19, 22-26, 28, 29, 32-36, 38, 39 and 41-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6, 8, 9, 12-16, 18, 19, 22-26, 28, 29, 32-36, 38, 39 and 41-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

3DETAILED ACTION

Status of the Claims

1. This action is in response to the RCE filed on December 6, 2004. Claims 2-6, 8-9, 12-16, 18-19, 22-26, 28-29, 32-36, 38-39 and 41-45 are pending. Claims 14, 24 and 43-44 are currently amended. All the pending claims are examined.

Response to Arguments

2. Claims 12-16, 18-19, 22-24, 28-29 and 43-44 are given a new ground rejection based on the amendment filed on November 5, 2004.

3. Applicant's arguments filed November 5, 2004 have been fully considered but they are not persuasive.

In regards to claims 42 and 45 and their associated dependent claims, applicant argues that Shkedy (U. S. Patent 6,260,024) fails to teach sending a notification to a wireless device including an itemization of goods and services associated with the transfer. Examiner respectfully disagrees. Shkedy teaches using wireless devices (i.e. PDA, cellular, PCS) to transacting information among buyer, seller and central controller (column 6 lines 40-47 and column 8 lines 57-65 and column 17 lines 61-64), which corresponds to the limitation of sending a notification to a wireless device. Furthermore, in the office action discussed below, examiner has shown that Shkedy does not explicitly teach the notification includes an itemization of goods and services associated with the transfer; however, Shkedy teaches the notification includes purchase order tracking number (column 10 lines 48-52), and it would have been obvious to one of ordinary skill in the art to allow the notification in Shkedy's teaching to include an

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itemization of goods and services associated with transfer for allowing the payee or the user to better acknowledge the items that will be delivered.

In regards to claims 43-44 and their associated dependent claims, applicant argues that Shkedy fails to teach prompting a payee device associated with the payee, for information relating to a second account associated with the payee based on the payee information. Examiner respectfully disagrees because Shkedy teaches this matter by displaying to the seller potential binding contracts and purchase confirmations base on the seller's information (column 6 lines 4-32).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 12-16, 18-19, 22-26, 28-29 and 43-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Shkedy, U. S. Patent 6,260,024.

As to claims 43-44, Shkedy a method of performing monetary transaction, and a computer-readable medium containing instructions for controlling at least one processor to perform a method for conducting a monetary transaction, comprising (abstract and Figs. 1-2):

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- a) receiving payee, user, and amount information from a wireless device associated with a user (column 5 lines 2-35 and column 6 lines 40-47, 53-63 and column 8 lines 57-65 and column 11 lines 21-24 and Figs. 1-2; *specifically, "payee" corresponds to the seller, and "user" corresponds to the buyer in Shkedy's teaching*);
- b) identifying a first account associated with the user based on the user information (column 10 lines 1-10 and column 11 lines 8-12 and Fig. 2);
- c) prompting a payee device associated with the payee, for information relating to a second account associated with the payee based on the payee information (column 6 lines 4-32 and column 11 line 64 – column 12 line 34 and Fig. 2);
- d) transfer funds based on the amount information between the first and the second account (column 18 line 37 – column 19 line 54).

As to claims 12 and 22, Shkedy teaches determining a user profile and a payee profile (column 16 line 65 – column 17 line 22).

As to claims 13 and 23, Shkedy teaches the user profile comprises at least one of financial information, device information, security information, historical information, transaction information or authorized recipient information (column 10 lines 1-25 and Fig. 2).

As to claims 14 and 24, Shkedy teaches the payee profile is based on information relating to a second account associated with the payee (column 17 lines 10-15).

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As to claims 15 and 25, Shkedy teaches recording information about the transfer of the funds (column 10 lines 58-62 and Fig. 2).

As to claims 16 and 26, Shkedy teaches wherein the wireless device includes at least one of a personal digital assistant (PDA) and a cellular telephone, a household appliance (column 6 lines 40-45 and column 8 lines 57-65 and column 9 lines 12-14).

As to claims 18 and 28, Shkedy teaches the user information comprises at least one of personal information about the user, a name and an address (column 10 lines 1-25).

As to claims 19 and 29, Shkedy teaches encrypting information and monitoring user information (column 10 line 63 – column 11 line 17).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-6, 8-9, 32-36, 38-39, 41-42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy, U. S. Patent 6,260,024.

As to claims 42 and 45, Shkedy teaches a monetary transaction system and a network device, comprising (abstract and Figs. 1-2; *specifically, "a monetary transaction system" corresponds to item 200 in Figs. 1-2*):

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- a) receiving payee, user, and amount information from a wireless device associated with a user (column 5 lines 2-35 and column 6 lines 40-47, 53-63 and column 8 lines 57-65 and column 11 lines 21-24 and Figs. 1-2);
- b) identifying a first account associated with the user based on the user information (column 10 lines 1-10 and column 11 lines 8-12 and Fig. 2);
- c) identifying a second account associated with the payee based on the payee information (column 10 lines 11-25 and column 11 lines 13-16 and Fig. 2);
- d) transfer funds based on the amount information between the first and the second account (column 18 line 37 – column 19 line 54);
- e) sending a notification of purchase confirmation to the wireless device (column 6 lines 40-47 and column 8 lines 57-65 and column 10 lines 48-52 and column 17 lines 61-64).

Shkedy does not specifically teach sending a notification of the transfer of the funds to the wireless device, and the notification including an itemization of goods or services associated with the transfer. However, Shkedy teaches sending a notification of purchase confirmation to the wireless device (column 6 lines 40-47 and column 8 lines 57-65 and column 10 lines 48-52 and column 17 lines 61-64) and the notification including purchase order tracking number (column 10 lines 48-52). It would have been obvious to one of ordinary skill in the art to allow the notification in Shkedy's teaching to include the feature of sending a notification of the transfer of the funds to the wireless device for allowing the payee or the user to aware the transaction immediately, and further allowing the notification in Shkedy's teaching to include an itemization of goods

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and services associated with transfer for allowing the payee or the user to better acknowledge the items that will be delivered.

As to claims 2 and 32, Shkedy teaches wherein the payment processing system includes a profile determination device that determines at least one of a user profile and a payee profile (column 16 line 65 – column 17 line 22).

As to claims 3 and 33, Shkedy teaches the user profile comprises at least one of financial information, device information, security information, historical information, transaction information or authorized recipient information (column 10 lines 1-25 and Fig. 2).

As to claims 4 and 34, Shkedy teaches the profile determination device determines a payee profile based on at least one of a look-up technique or identification information (column 17 lines 10-15).

As to claims 5 and 35, Shkedy teaches a transaction database that records information about the transfer of the funds (column 10 lines 58-62 and Fig. 2).

As to claims 6 and 36, Shkedy teaches wherein the wireless device includes at least one of a personal digital assistant (PDA) and a cellular telephone, a household appliance (column 6 lines 40-45 and column 8 lines 57-65 and column 9 lines 12-14).

As to claims 8 and 38, Shkedy teaches the user information comprises at least one of personal information about the user, a name and an address (column 10 lines 1-25).

As to claims 9 and 39, Shkedy teaches a security device that encrypts information and monitors user information (column 10 line 63 – column 11 line 17).

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As to claim 41, Shkedy teaches wherein the monetary transaction information includes information identifying the device, and wherein the identification information comprises an electronic number identifier (column 10 lines 48-62 and column 13 line 62 – column 14 line 5).

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Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306 (Official Communications; including After Final
Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Plaza Two, Room 1B03.

Mary Cheung
Patent Examiner
Art Unit 3621
February 18, 2005

